

FIRST REGULAR SESSION

# SENATE BILL NO. 50

96TH GENERAL ASSEMBLY

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INTRODUCED BY SENATORS KEHOE, LAGER, WRIGHT-JONES, SCHAEFER,  
ENGLER, GREEN AND McKENNA.

Pre-filed December 6, 2010, and ordered printed.

TERRY L. SPIELER, Secretary.

0271S.021

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## AN ACT

To repeal section 393.135, RSMo, and to enact in lieu thereof one new section relating  
to site development for energy generation facilities.

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*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Section 393.135, RSMo, is repealed and one new section  
2 enacted in lieu thereof, to be known as section 393.135, to read as follows:

393.135. 1. Any charge made or demanded by an electrical corporation  
2 for service, or in connection therewith, which is based on the costs of construction  
3 in progress upon any existing or new facility of the electrical corporation, or any  
4 other cost associated with owning, operating, maintaining, or financing any  
5 property before it is fully operational and used for service, is unjust and  
6 unreasonable, and is prohibited.

7       **2. Starting on October 1, 2011, an electrical corporation seeking**  
8 **an early site permit from the U.S. Nuclear Regulatory Commission or**  
9 **a successor organization shall submit monitoring reports to the public**  
10 **service commission every six months documenting work completed,**  
11 **total expenditures to date, work yet to be completed, and anticipated**  
12 **expenditures yet to be incurred in order to obtain the early site permit.**  
13 **If total expenditures to obtain the early site permit are forecasted to**  
14 **exceed forty million dollars, the electrical corporation shall include in**  
15 **these monitoring reports an explanation of why it is prudent for the**  
16 **electrical corporation to incur expenditures in excess of that amount**  
17 **in order to obtain an early site permit.**

18       **3. Notwithstanding the provisions of subsection 1 of this section,**  
19 **recovery of the prudently incurred expenditures identified in**  
20 **subsection 2 of this section shall be provided through the rates or**  
21 **charges of the electrical corporation seeking the early site permit or**

22 through the rates or charges of an electrical corporation that  
23 contributed to the expenditures for the early site permit, over a period  
24 not to exceed twenty years. These rates or charges shall include a  
25 return on the remaining balance of such expenditures at an annual rate  
26 equal to the applicable electrical corporation's commission-approved  
27 return on rate base until such expenditures are recovered, and shall  
28 commence with the effective date of tariffs approved by the commission  
29 in the applicable electrical corporation's first general rate proceeding  
30 following the date on which the early site permit referenced in  
31 subsection 2 of this section is obtained.

32 4. If the electrical corporation that sought the early site permit,  
33 or an electrical corporation that contributed toward the expenditures  
34 for the early site permit, has recovered from ratepayers expenditures  
35 for the early site permit pursuant to subsection 3 of this section, and  
36 then subsequently sells or transfers some or all of its interest in the  
37 early site permit, or subsequently receives reimbursement for the  
38 expenditures it has contributed, the electrical corporation shall refund  
39 to ratepayers that part of the money received from the sale, transfer,  
40 or reimbursement up to the amount of such expenditures that it has  
41 recovered from ratepayers.

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